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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 WILLIAM JAMES GRADFORD, Jr.,

12 Plaintiff,

13 v.

14 A. PEREZ, *et al.*,

15 Defendants.
16

Case No. 2:24-cv-2012-TLN-JDP (PS)

ORDER

17 William James Gradford, Jr. (“plaintiff”) brings this action against numerous government
18 defendants at the federal, state, and county levels and levies allegations which, to the extent they
19 can be understood, appear insufficiently related to proceed in a single action. ECF No. 9.
20 Additionally, plaintiff has filed a notice of settlement with Stanislaus County, ECF No. 11, that
21 might affect some of the claims raised in the operative complaint. Accordingly, I will dismiss the
22 complaint with leave to amend one more time; this will be plaintiff’s final opportunity to amend
23 before I recommend dismissal of this action. I will also discharge the show cause order entered
24 on December 19, 2024. ECF No. 8.

25 **Screening and Pleading Requirements**

26 A federal court must screen the complaint of any claimant seeking permission to proceed
27 *in forma pauperis*. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and
28 dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon

1 which relief may be granted, or seeks monetary relief from a defendant who is immune from such
2 relief. *Id.*

3 A complaint must contain a short and plain statement that plaintiff is entitled to relief,
4 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its
5 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not
6 require detailed allegations, but legal conclusions do not suffice. *See Ashcroft v. Iqbal*, 556 U.S.
7 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere
8 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not
9 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024,
10 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that
11 give rise to an enforceable right to relief.” *Nagrapma v. MailCoups, Inc.*, 469 F.3d 1257, 1264
12 n.2 (9th Cir. 2006) (en banc) (citations omitted).

13 The court must construe a pro se litigant’s complaint liberally. *See Haines v. Kerner*, 404
14 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it
15 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which
16 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017).
17 However, “‘a liberal interpretation of a civil rights complaint may not supply essential elements
18 of the claim that were not initially pled.’” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251,
19 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

20 Analysis

21 Plaintiff’s complaint is difficult to read owing to poor handwriting and a lack of
22 organization. It names seventeen defendants, ECF No. 9 at 2, but fails to plainly delineate what
23 claims apply to each. Thus, it largely fails to comply with Rule 8 of the Federal Rules of Civil
24 Procedure. *See Dura Pharms., Inc. v. Broudo*, 544 U.S. 336, 346 (2005) (A complaint must
25 provide “the defendant with fair notice of what the plaintiff’s claim is and the grounds upon
26 which it rests.”) (internal quotation marks omitted).

27 Additionally, the complaint contains at least two unrelated claims against multiple
28 defendants. First, plaintiff levies numerous allegations of misconduct against defendant Perez, a

1 probation officer. ECF No. 9 at 6-13. Second, he alleges that defendant Texeira, a Stanislaus
2 County Sheriff's Deputy, violated his rights by retaliating against him after he raised concerns
3 about how this defendant was treating another detainee. *Id.* at 14-19. These sets of claims do not
4 appear to have any legal or factual connection to each other and are unsuited to proceed in the
5 same action. *See George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007).

6 Finally, plaintiff has filed a notice of settlement with Stanislaus County, which might
7 affect some claims and defendants raised in the complaint. ECF No. 11. Allowing plaintiff to
8 amend will permit him to remove claims and defendants governed by that agreement.

9 I will dismiss the complaint with leave to amend so that plaintiff may have one final
10 opportunity to remedy these deficiencies. As before, his amended complaint will supersede its
11 predecessor entirely. The next amended complaint should be entitled "Second Amended
12 Complaint."

13 Accordingly, it is hereby ORDERED that:

- 14 1. Plaintiff's amended complaint, ECF No. 9, is DISMISSED with leave to amend.
- 15 2. Within thirty days from service of this order, plaintiff shall file either (1) an amended
16 complaint or (2) notice of voluntary dismissal of this action without prejudice.
- 17 3. Failure to timely file either an amended complaint or notice of voluntary dismissal may
18 result in the imposition of sanctions, including a recommendation that this action be dismissed
19 with prejudice pursuant to Federal Rule of Civil Procedure 41(b).
- 20 4. The Clerk of Court shall send plaintiff a complaint form with this order.
- 21 5. The December 19, 2024 order to show cause, ECF No. 8, is discharged.

22
23 IT IS SO ORDERED.

24 Dated: May 1, 2025

25 
26 JEREMY D. PETERSON
27 UNITED STATES MAGISTRATE JUDGE
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